## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

ROBERT L. SCHMIDT, and STACY S. SCHMIDT,	)	
STACT 3. SCHWIDT,	)	
Plaintiffs,	)	
v.	) ) )	No. 3:06-CV-209 (Phillips)
NATIONAL CITY CORPORATION, and	,	) . ,
LITTON LOAN SERVICING LP,	)	
	)	
Defendants.	)	

## MEMORANDUM AND ORDER

On June 24, 2008, the Honorable Dennis H. Inman, United States Magistrate Judge, filed an 8-page Report and Recommendation (R&R) [Doc. 184] in which he recommended that Gregory Logue's and Daniel Moore's motion for sanctions pursuant to F.R.C.P. 11 be granted, and sanctions in the amount of \$3,000 be awarded to Mr. Logue and Mr. Moore for plaintiffs' filing of a frivolous complaint against them. This matter is presently before the court on the plaintiffs' motion for reconsideration, stay and post-trial review [Doc. 185], which the court will treat as objections timely filed to the R&R.

As required by 28 U.S.C. § 636(b)(1), the court has not undertaken a *de novo* review of those portions of the R&R to which plaintiffs object. After doing so, the court readily concludes that Magistrate Judge Inman has thoroughly and correctly analyzed the legal issues presented by the parties.

In plaintiffs' motion for reconsideration [objections] to the R&R, plaintiffs admit

that they filed the complaint against Mr. Logue and Mr. Moore without reasonable basis,

but go on to state that they hope to prove their claims against these two individuals at trial.

However, the court has found, accepting the plaintiffs' allegations against Mr. Logue and

Mr. Moore as true, they are not legally actionable, as evidenced by this court's dismissal

of their suit under Rule 12(b)(6). Plaintiffs may subject themselves to further sanctions if

they continue to assert frivolous and baseless actions against these individuals.

Accordingly, for the foregoing reasons as well as the reasons articulated by

Magistrate Judge Inman in his R&R, plaintiffs' objections [Doc. 185] are hereby

**OVERRULED** in their entirety, whereby the R&R is **ACCEPTED IN WHOLE.** Thus, Mr.

Logue's and Mr. Moore's motion for sanctions [Doc. 151] is **GRANTED**, and Mr. Logue and

Mr. Moore are **AWARDED** sanctions in the amount of \$3,000.00 against the plaintiffs,

jointly and severally.

IT IS SO ORDERED.

**ENTER:** 

s/ Thomas W. Phillips

United States District Judge

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